

ONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Houston DIVISION

Eliseo Ruiz Mendez #1929729

Plaintiff's Name and ID Number

United States Courts
Southern District of Texas
FILED

B.H. Jester IV unit

Place of Confinement

MAR 03 2021

CASE NO. _____

Nathan Ochsner, Clerk of Court

(Clerk will assign the number)

v.

John Doe and
University of ~~Texas~~ TX Medical Branch
Defendant's Name and Address

809 Harbor Side Dr.

Defendant's Name and Address

Galveston, Texas 77555

Defendant's Name and Address In Their Individual and
(DO NOT USE "ET AL.") official capacity

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and once copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 8, Federal Rules of Civil Procedure Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and once copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this even you must complete the application to proceed *in forma pauperis*, setting forth information to establish you inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of you inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at you prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from you inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send you complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: February 4th, 2021
 2. Parties to previous lawsuit:

Plaintiff(s) Eliseo Ruiz Mendez

Defendant(s) Bryan Collier
 3. Court: (If federal, name the district; if state, name the county.) Southern District Houston Div.
 4. Cause number: 4:21-CV-00382
 5. Name of judge to whom case was assigned: Judge Andrew S. Hanen
 6. Disposition: (Was the case dismissed, appealed, still pending?) Still Pending
 7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: B.H. Jester IV unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

Never Responded or Returned to my Several Grievances

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Eliseo Ruiz Mendez #01929729 Jester IV unit
4 Jester Road, Richmond, Texas 77406 (*Preferred Name M.S.
Destiny Marie Mendez*)

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: John Doe, U.T.M.B Director, John Sealy Hospital, 809
Harbor Side Dr. Galveston, Texas 77555

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Deliberate Indifference, Equal Rights Protection clause, ~~Deliberate Indifference~~
ADA Violation

Defendant #2: CO Hai Nguyen, Medical Director, Jester IV unit, 4 Jester
Rd., Richmond, Tx

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

A.D.A. Violation, Equal rights Protection clause, Deliberate Indifference

Defendant #3: Bryan Collier, Executive Director, T.D.C.J - C.I.D., P.O. Box
99, Huntsville, Texas 77342

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Deliberate Indifference, Due Process, A.D.A Violation, Equal Right ~~Protection~~
Protection

Defendant #4: Jerry Sanchez, ~~SR. Warden~~, Jester IV unit, 4 Jester
Rd, Richmond, TX 77406

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Deliberate Indifference, Due Process, Equal Rights Protection, A.D.A
Violation

Defendant #5: Jane Doe, Grievance Coordinator, Jester IV unit, 4 Jester
Rd., Richmond, Tx 77406

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Due Process, Deliberate ~~Indifference~~ Indifference, ADA Violation, Equal Rights
Protection.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On the date of June, 2020 while on Bench warrant to Galveston County Jail I have injured myself by pulling about 2 inches of intestines creating a fistula due to mental distress. I had hurt myself multiple times before until Galveston Hospital (John Sealy) UTMB Surgery personnel ~~said~~ said "they no longer will do surgery to fix it due to I'll do it again" still Galveston Hospital has not gave me a legit & solid reason to not do surgery and it refuses to do surgery. Due to John Sealy (U.T.M.B) Being under Contract of Texas Department of Criminal Justice Liability falls on TDCJ Director and Jester-4 SR warden. Director of TDCJ is responsible of all welfare of TDCJ offenders. Jester 4 warden ^{en} who provides care in his unit also I've requested surgery to MD. CO Hai ~~Nguyen~~ Nguyen who with power to refer me but says U.T.M.B will refuse me due to "I'll do it again." he has a say so in ~~his~~ care.

VI. RELIEF: For his patients He ~~also~~ also made a special note in my medical chart to all nurses who deal with anything I do he is to be called. (See State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or Attach statutes.)

100,000.⁰⁰ From Defendants Jointly or separately for mental Anguish Physical Injury order from the court to have UTMB fix the repairable injury and all legal cost of Low Suite be charged to the Defendants if in favor of plaintiff and anything the Court See Deemable, Proper, or fit in this suit.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Ms. Destiny Marie Mendez, Eliseo Mendez

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

1929729, # 1540404

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

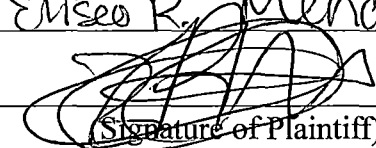
4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

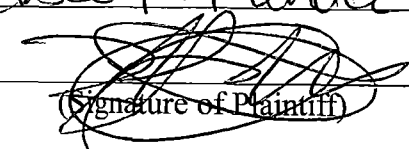
Executed on: 02-19-2021
DATE

Eliseo R. Mendez #192972

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments hereto are true and correct/
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this Nineteenth day of February, 20 21.
(Day) (month) (year)

Eliseo R. Mendez #192972

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

24 hours a day; 7 days a week; 365 days a year. and when I have
 and/or had Injured my Intestants Dr. Nguyen only Puts me on
 5 Point Restraints Pending seeing me the following working day
 But does Not. or Says it will Come out on it's own all Defendants
 Knowing my Serious Mental State of Mind are Refusing to treat
 Me from an InJury (Fistula) that Occured while In a Serious
 Mental Distress Episode while In Custody of The Texas
 Department of Criminal Justice (who is Directed By Defendant
 Bryan Collier) who Contracted University of Texas Medical
 Branch (U.T.M.B) to Care for all Offenders In The Tex. Dept.
 of Criminal Justice (who is under Defendant) Director Bryan
 Collier And to Include Jester IV unit (under Both Defendant
 Bryan Collier & Jerry Sanchez. Jester IV is under Care
 of U.T.M.B (John Doe and Co Nguyen) Medically Further More
 Grievance Coordinaitor Jane Doe has Failed to Process, Timely
 Pick up, and/or Respond & Return my step 1 Grievance which
 has caused a delay and has Caused this Civil Rights to
 Continue to be violated. By defendants.